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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

CHAVIS, J

ART UNIT

PAPER NUMBER

2122

DATE MAILED:

08/28/01

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.
09/310,912

Applicant(s)
Mericas

Examiner
John Chavis

Art Unit
2122



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-13-99, and 3-20-00
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3 20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3-4, 6-10, 12 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Dollin et al. (6,112,236).

Claims

1. A method of monitoring events within a data processing system comprising a speculative processor and a plurality of counters, wherein each counter among said plurality of counters counts occurrences of specified events within the data processing system, the method comprising:

specifying an event to be monitored;

monitoring for the specified event during the execution of instructions by the speculative processor;

generating a count of occurrences of the specified event for all instructions executed by the speculative processor; and

generating a count of occurrences of the specified event for instructions completely

Dollin

see the title, abstract and figure 5, Item 59 (counts -- plurality of Counters). The processor is considered inherent to a system for monitoring events.

See col. 5 lines 63-67 and col. 7 lines 30-33 (predetermined implies Prior Specifying of an event). Also, See col. 8 lines 2-6.

see col. 15 lines 17-20.

see the inserted events in figure 6B.

see the corrupted events, col. 5 lines 37-40, which are utilized to help

executed by the speculative processor.

Determine the quality of service, see
Col. 5 lines 46-60.

3. The method of 1 further comprising:
monitoring a plurality of specified events for
each instruction executed by the speculative
processor.

see col. 5 lines 3-40 and col. 7 lines
30-33.

4. A method of monitoring events within a
data processing system comprising a
speculative processor and a plurality of
counters, wherein each counter among said
plurality of counters counts occurrences of
specified events within the data processing
system, the method comprising:

see the rejection of claim 1, above.

associating an interim counter with a
particular instruction;

associating a first global event counter with all
instructions;

associating a second global event counter with
completed instructions;

specifying an event to be monitored;

monitoring for the specified event during the
execution of instructions by the speculative
processor;

in response to detecting an occurrence of the
event during execution of the particular
instruction, incrementing the interim counter;

in response to detecting an occurrence of the
event during execution of any instruction,

incrementing the first global counter; and

in response to detecting a completion of the

particular instruction, adding event counts from the interim counter to the second global event counter.

In reference to claims 6-10, 12, 14-17, see the rejection of claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dollin et al. (6,112,236).

2. The method of 1 further comprising:
computing a difference between the count of occurrences of the specified event for all completed instructions as a count of occurrences of the specified event for instructions speculatively executed by the speculative processor.

this feature is not specifically mentioned by Dollin et al.; however, it would have been obvious to a person of ordinary skill in the art at the time of the invention to compute The difference between inserted and Corrupted values to enable the System to determine the quality of Service being provided and to generate statistics of various measurements to enable report Generation, see col. 5 lines 47-60.

5. The method of 4 further comprising:
computing a difference between event counts from the first global event counter and event counts from the second global event counter as a count of occurrences of the specified

see the rejection of claim 2, supra.

event for instructions speculatively executed
by the speculative processor.

As per claims 11, 13, see the rejection of claim 2.

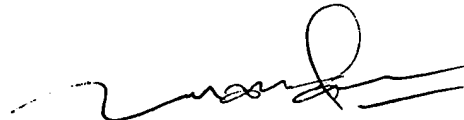
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on Monday-Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached on (703) 305-9703. The fax phone number for this Group is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



JQC
August 21, 2001



TUAN Q. DAM
PRIMARY EXAMINER



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